

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING  
OCTOBER 27, 2015**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Cameron, DiDonna, Olvany, Sini, Jr., Voigt (arrived at 8:10 p.m.)

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat  
Channel 79

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Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

**PUBLIC HEARING**

**Continuation of Public Hearing regarding Amendments to Darien Zoning Map (COZM2-2015), Amendment to Darien Zoning Regulations (COZR4-2015) put forth by 1950 Post Road, LLC.** Proposing to: 1) amend the Darien Zoning Map by changing the current boundary between the NB Zone and the R-1/2 Zone to run along the property boundaries, rather than being 100 feet from the Boston Post Road right-of-way; and 2) amend Section 604(c) of the Darien Zoning Regulations to allow dwelling units on upper floor(s): The Zoning Map amendments would rezone the following parcels from being split-zoned, to be entirely within the NB Zone: 1926, 1936, 1950 & 1958 Boston Post Road (shown on Assessor's Map #51 as Lots #38, #39, #40, and #41). The parcel which will be rezoned to become entirely within the R-1/2 Zone is 8 Ring's End Road (Map #51, Lot #34). Parcels in the vicinity which will not be changed: 1910 and 1918 Boston Post Road and 6 Ring's End Road. They are shown as Lots #35, #36, & #37.

Attorney Robert F. Maslan, Jr. was present on behalf of the applicant. He explained that changes to sections 601, 604 and 605d(3) have been prepared and reviewed with the Planning and Zoning Commission at the prior public hearing. There are now some split lots here. He explained that the zoning map amendment and zoning regulation amendment are both consistent with the Town Plan of Conservation & Development. Mr. DiDonna confirmed that "development activities" would include the construction of a parking lot, associated parking lot lighting, and a patio. Mr. Maslan referred to the definition of "development" in Section 210. Mr. Olvany asked about the phrase "street line" put forth by Mr. Maslan. Mr. Maslan said that this would be Boston Post Road in the present case, but in the NB zone in the other part of Darien, it could refer to Tokeneke Road. Mr. Olvany suggested using "front street line" or "primary street line." Mr. DiDonna noted the change of the phrase "upper floor(s)".

Mr. Terry Gaffney of 8 Ring's End Road then submitted a letter dated October 27, 2015. He had previously asked that 6 Ring's End Road be rezoned from commercial to residential. He wanted to zealously ensure that any changes are compatible with the residential zone. Mrs. Lisa Cerussi of 12 Ring's End Road said that she would prefer that there be no zone change. Her concerns were lack of privacy and potential noise. She requested that special controls be implemented, including a thirty foot buffer on all sides, and a buffer zone to include both landscaping and fencing. She also asked why 6 Ring's End Road was not to be changed as part of this application.

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Mr. Reese Hutchison said that in his opinion, the existing zoning has held back development in the NB zone. He commended the Planning and Zoning Commission on being open to change in this instance.

Mr. Maslan said that the applicant is acceptable to a thirty foot buffer adjacent to the residential properties. He said that the plans show a five foot buffer next to the adjacent commercial property to the west owned by Mr. Corrente.

There being no other questions or comments from the general public or Commission members, Mr. DiDonna made a motion to close the public hearing on this matter. That motion was seconded by Mr. Olvany and approved by a vote of 5-0.

At about 8:30 p.m., Chairman Cameron then read the following agenda item:

**Continuation of Public Hearing regarding Business Site Plan Application #289-A/Special Permit, Land Filling & Regrading #351-A, 1950 Post Road, LLC, 1950 Boston Post Road.**

Proposing to: demolish the existing structures on the site; build a two-story mixed use building with associated on-site parking; and perform related site development activities. The subject property is located on the south side of Boston Post Road, directly across from its intersection with Garden City Road, and is shown on Assessor's Map #51 as Lot #40 in the NB and R-1/2 Zones. There is a related application to rezone the subject property to be entirely within the NB Zone.

Attorney Robert F. Maslan, Jr. was present on behalf of Jon Vaccarro and 1950 Post Road, LLC. He said that the revised plans lowered the lights to 12 feet high. Mr. Ginsberg noted that there will be a fence and landscaping in front of the proposed lights. Professional engineer John Martucci then presented the photometric plan, showing the use of full cutoff LED lights. The photometrics were based on the proposed elevations. Mr. Olvany asked whether all of the parking spaces need to be lit.

Mrs. Sara Ungemack-McCool showed the location of the proposed fence on the plans. Mr. Ginsberg then reviewed the comments received from DPW and the Fire Marshal. He noted that a street opening permit will be needed from the State DOT, since the property fronts on Route 1/Boston Post Road. Mrs. Ungemack-McCool showed the proposed fence along the east and south property line. It will be six or eight feet high. She said that an eight foot fence could be imposing. They have not yet decided on a style of fence. Mr. Maslan reminded the Commission of the residential component of this project. Mr. Maslan explained that as part of this application, a new fire hydrant will be installed in the Route 1 right of way.

Mr. Terry Gaffney of 8 Ring's End Road said that there is an underground stream in the area. He was concerned about possible flooding. Mr. Martucci said that on-site soil testing has been done and that the property to the west (Corrente property) has a swale and drainage. Ms. Lisa Cerussi of Ring's End Road then spoke, and said that she would prefer a six foot high fence. She asked about the height of the proposed trees, when planted. She asked that parking lot lights be put on timers, and a thirty foot buffer installed along her lot line.

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There being no other questions or comments from the general public or Commission members, Mr. Olvany made a motion to close the public hearing on this matter. That motion was seconded by Mr. DiDonna, and approved by a vote of 5-0.

At about 9:10 p.m., Chairman Cameron read the following agenda item:

**Proposed Amendments to the Darien Zoning Regulations (COZR #5-2015), Special Permit Application #153-D/Site Plan, Land Filling & Regrading Application #366, Atria Darien, 50 Ledge Road.** Proposed zoning regulation amendments to Sections 664, 667 and 668 to: correct existing references; eliminate the distinction between ILF and ALF units; provide minimum and maximum size units; modify parking standards; and allow the Commission to waive or reduce setback or buffering requirements. Proposing to construct additions and alterations to the existing structure, modify the driveway, add on-site parking, and perform related site development activities. The subject property is located on the north side of Ledge Road, approximately 2,700 feet west of its intersection with Boston Post Road, and is shown on Assessor's Map #40 as Lot #43 in the Service Business (SB) Zone.

Mr. Ginsberg said that the Zoning Regulations were changed in 1996 to first allow this use.

Attorney Wilder Gleason was present and explained that they came before the Planning and Zoning Commission informally in February 2015. Residents sometimes move into the facility as independent living and age in place. He said that the existing building is approximately 80,000 square feet within two stories. They are proposing to go from 18% building coverage to 19%. They have been approved for 86 units and 71 parking spaces. They now have 88 parking spaces, with 34 "reserved" spaces. There have been outside groups meeting here. They have since eliminated eleven of the reserved spaces. The outside organizations do not have to pay to meet there. Mr. Gleason said that they have both Independent and Assisted Living units. He is asking the Commission to amend the Zoning Regulations to waive the buffer requirement.

Mr. Sini asked if the Darien Park and Recreation Department was notified of this application, and whether they had any comment on the proposal.

Mr. Gleason said that they now have 89 parking spaces, and are increasing to 91 parking spaces. The maximum of 80 units would be changed to a maximum of 86 units. Mr. Olvany noted that the zoning table is wrong.

Mr. Gleason said that they are also asking permission for outside groups to be able to meet at Atria. Mr. Gleason explained that the original P&Z approval did not allow for such, since there was a concern regarding parking. They are asking to have the prohibition deleted. He also distinguished between Maplewood on Boston Post Road, and Atria. He said that Maplewood is Memory Care. In that situation, the residents do not drive, but there are many staff and specialists. In that case, there are 66 units, with 35 parking spaces.

David Sullivan of Milone and Macbroom then reviewed his October 13, 2015 parking study. He said that eleven reserved signs have been removed, and there are now sixty employees in three separate shifts. Mr. Sini asked whether 0.7 parking spaces per unit would be adequate for the

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operation without the Special Events. Mr. Olvany asked who the reserved spaces are for. Mr. Sullivan responded that the reserved spaces for the residents, not the workers or visitors.

Ms. Joann Panella, the Executive Director of Atria, then explained that there has not been a parking problem at Atria during her ten years working there. They do, on occasion, allow small non-profit community groups to meet at Atria, such as the Geriatric Society. She said that on occasion, pop up retailers would come in to sell to residents. Mr. Ginsberg said that the removal of eleven reserved signs should help in resolving parking issues.

Mr. Gleason then submitted the Landscaping Plan with copies for Commission members.

In response to a question from Mrs. Cameron, Mr. Michael Waleryski, said that he had the sumps pumped out in October 2015. There was very little debris found. Mr. Ted Hart, a professional engineer from Milone and MacBroom explained that the existing stormwater pipe needs to get relocated due to the proposed east addition. They must move the sanitary manhole about five or six feet due to the west addition. They will be installing 28 parking spaces with permeable pavers. Maintenance will need to be ongoing in the future, as confirmed by Mr. Hart.

Mr. Ginsberg noted that the Architectural Review Board (ARB) had approved the building addition façade changes on October 21, 2015.

Mr. Michael Klein, the original architect for this project and the designer of the addition, said that typical parking for this use is 0.6 spaces per unit. In this case, they are proposing 0.7 parking spaces per unit. He noted that the architectural design of the proposed addition will match the existing building.

The Commission agreed to continue the public hearing on the Atria application to November 24, 2015 at 8:00 p.m. in Town Hall.

At about 10:10 p.m., Chairman Cameron read the following agenda item:

**Land Filling & Regrading Application #368, Charles & Kristin Collier, 66 Pear Tree Point Road.** Proposing to fill and regrade front yard, construct associated retaining walls, and perform related site development activities. The subject property is situated on the east side of Pear Tree Point Road, approximately 1,200 feet north of its intersection with Crane Road, and is shown on Assessor's Map #60 as Lot #20, in the R-1 Zone.

Professional engineer John Martucci was present to explain the proposal. They are seeking to create a flat area near the pool and house. Mr. Ginsberg mentioned that there was recently a violation on this property—tree clearing within the critical CAM 100 foot area near Pear Tree Point Road and the Darien River. The submitted plans show restoration plantings. Mr. Martucci said that two four foot high walls are proposed. Mr. Ginsberg added that although the submitted landscape plan shows a potential pool, pool house, and garage, those are not part of this application. Mr. Martucci said that the neighbor to the south was present earlier this evening, but has departed—they are fully aware of the proposal. Mr. Ginsberg noted that a hedge and detailed landscape plan have been submitted for the record.

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There being no questions or comments from the general public or Commission members, Mr. Sini made a motion to close the public hearing on this matter. That motion was seconded by Mr. DiDonna, and approved by a vote of 5-0.

At about 10:15 p.m., Chairman Cameron read the following agenda item:

**Flood Damage Prevention Application #329-B, Land Filling & Regrading Application #308-B, 25 Brush Island Road, LLC & James Degnan, 19, 23, and 25 Brush Island Road.** Proposal to expand existing common driveway that serves #19 and #21 Brush Island Road to also serve #23 and #25 Brush Island Road and to perform related site activities within a regulated area. The properties are situated on the north side of Brush Island Road approximately 1,250 feet west of its intersection with Nearwater Lane and are shown on Assessor's Map #56 as Lots #17, #17A, and #20, in the R-1 (residential) Zone.

Mr. Ginsberg said that comments had been received from the Fire Marshal. Professional Engineer Tom Nelson submitted a revised plan dated October 27, 2015. This revised plan includes a new fire hydrant and an improved turning area. They are trying to keep the common driveway looking simple, not like a wide paved street. They will be widening the proposed driveway from 8-9 feet to 12 feet, but not to sixteen feet as requested by the Fire Marshal. Mr. Sini said that the new hydrant will be a safety improvement.

Mr. Ginsberg explained that EPC staff has determined that this proposal does not need a permit from EPC.

There being no other questions or comments from the general public or Commission members, Mr. Sini made a motion to close the public hearing on this matter. That motion was seconded by Mr. DiDonna, and approved by a vote of 5-0.

At about 10:22 p.m., Chairman Cameron read the following agenda item:

**Flood Damage Prevention Application #193-A, 184 Nearwater Lane, LLC, 184 Nearwater Lane.** Proposing to construct a new single-family residence and to perform related site development activities within a regulated area. The subject property is located on the east side of Nearwater Lane approximately 350 feet south of its intersection with Shipway Road and is shown on Assessor's Map #55 as Lot #5 in the R-NBD Zone.

Mr. Mark Lebow was present on behalf of VAS Construction. He explained that they are proposing a new replacement residence. He said that all mechanical equipment will be placed on an elevated platform and screened. Noise reduction will also be included for the mechanical equipment. A handout was provided for the record. There will be two or three air conditioning units on the platform as well as a generator.

Architect Michael LoBuglio then gave further details regarding the proposed residence. He said that the proposal complies with building height limits, and there will be 3,388 square feet of living space and a five bedroom residence with 4.5 bathrooms.

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Professional Engineer Todd Ritchie explained that this property is in the lower 1/3 of the watershed. He said that he has addressed the concerns of Department of Public Works Darren Oustafine, and addressed water quality issues. They are not addressing peak flow or detention. A trench will be provided in a lot area at the northeast part of the property, as shown on Plan C-01. This will minimize or eliminate the impact of stormwater upon the neighboring property.

There being no other questions or comments from the general public or Commission members, Mr. Olvany made a motion to close the public hearing on this matter. That motion was seconded by Mr. Sini, and approved by a vote of 5-0.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and unanimously approved. The meeting was adjourned at 10:35 P.M

Respectfully submitted,

Jeremy B. Ginsberg  
Planning & Zoning Director

*10.27.2015min*